

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*

DOCKET NO. 2:08-CR-251

v.

*

SECTION: "I"

JORGE ALBERTO HERNANDEZ-CASTILLO *

* * *

FACTUAL BASIS

_____ Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the superseding indictment now pending against the defendant:

The Defendant, **JORGE ALBERTO HERNANDEZ-CASTILLO** (hereinafter "**HERNANDEZ-CASTILLO**") has agreed to plead guilty as charged to the one-count superseding indictment charging him with illegal reentry of a deported alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (the "agent") would testify that on August 18, 2008, he encountered the defendant, **HERNANDEZ-CASTILLO**, during criminal alien program duties at Orleans Parish Prison, located in New Orleans, Louisiana in the Eastern District

of Louisiana. Upon determining the defendant was illegally in the country and upon the release from the custody of the State of Louisiana in Orleans Parish Prison, the defendant was detained and arrested by an Immigration and Customs Enforcement agent (the “agent”).

The agent would testify that he conducted record checks through various Immigration and Customs Enforcement databases, which revealed that the defendant was a citizen of Honduras and illegally present in the United States.

Documentation from the records of Immigration and Customs Enforcement contained in the defendant’s Alien file, including Warrants of Removal/Deportation, complete with the defendant’s fingerprints, photographs, would demonstrate that the defendant, **HERNANDEZ-CASTILLO**, was removed from the United States to Honduras on two prior occasions. On or about November 30, 2005, **HERNANDEZ-CASTILLO** was removed from the United States to Honduras, and again on or about March 8, 2006, **HERNANDEZ-CASTILLO** was removed from the United States to Honduras. A qualified Immigration and Customs Enforcement Fingerprint Specialist would testify that the fingerprints of the individual in the Immigration and Customs Enforcement Alien file with the Warrants of Removal/Deportation and the fingerprints of the defendant are the same.

A Certificate of Non-Existence of Record would show that the defendant, **HERNANDEZ-CASTILLO**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant’s previous removal.

Further, documents, court records, and other admissible evidence would show that on or about November 2, 2000, in the Criminal Court of New York, the defendant, **HERNANDEZ-CASTILLO**, was convicted of criminal possession of a controlled substance, and on or about

September 8, 2003, in the District Court of Clark County, Nevada, the defendant, **HERNANDEZ-CASTILLO**, was convicted of attempt possession of a controlled substance.

ROBERT WEIR Special Assistant United States Attorney Mississippi Bar No. 101464	Date
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JORGE ALBERTO HERNANDEZ-CASTILLO Defendant	Date
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ROMA KENT Assistant Federal Public Defender LA Bar Roll No. 1459 Attorney for the Defendant	Date
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